BOROUGH OF NORTH HALEDON

CONFIDENTIAL

RESOLUTION November 2, 2000

Whereas disciplinary charges have been preferred against Patrolman Mark Van and a hearing is scheduled on November 2, 2000; and

Whereas, Patrolman Mark Van is represented by Joseph Afflito, Esq., and

Whereas, the parties have come to a consensual agreement;

Now Therefore Be It Resolved as follows:

- (a) Patrolman does hereby submit his voluntary resignation from the North Haledon Police Department effective November 3, 2000;
- (b) The pending charges by the Acting Chief of Police are hereby withdrawn by the Acting Chief of Police;
- (c) There shall be no compensation for accrued time;
- (d) In the event of any inquiry by a future employer, the Borough response will be
- "Patrolman Van served as a patrolman from April 28, 1999 to November 3, 2000 where he submitted his voluntary resignation effective November 3, 2000"
- (e) Patrolman Van shall forthwith return to the North Haledon Police Department issued weapons, police paraphernalia and police identification cards.
- (f) There shall be an exchange of releases.

I HEREBY AGREE TO THE TERMS OF THE RESOLUTION.

Mark Van

Randy George, Mayor

CONFIDENTIAL

November 2, 2000

I HEREBY WITHDRAW THE CHARGES PENDING AGAINST PATROLMAN

CONFIDENTIAL

November 2, 2000

I, Patrolman Mark Van do hereby resign as a member of the North Haledon Police Department effective November 3, 2000.

DEFENDANTS 073

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	Q So now, after Mark Van leaves,		
resigns from the Borough of North Haledon Police 17 mode read 58 miles per hour, directly through the	resigns from the Borough of North Haledon Police		
Department, when is the next time you have any 18 school post on Squawbrook Memorial School.			
contact at all with Mark Van? 19 I immediately activated overhead	contact at all with Mark Van?		
A I don't recall. 20 lights and siren. Vehicle did not complete a	A I don't recall.	100 to 100 and	
Q You issued him some traffic 21 stop, and according to a crossing guard, forced	Q You issued him some traffic		
summons at some point in time. Am I correct? 22 north and south traveling vehicles to stop			
A Yes, I did. 23 abruptly. I believe it's once, once I got on			
Q Do you recall approximately how 24 High Mountain Road I no longer saw the car.		24 Hi	igh Mountain Road I no longer saw the car.
long after he resigned you issued the traffic 25 Some word I can't read, asked		25	Some word I can't read, asked

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Unit Code 4

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Equipment

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* Speeding,

		_		Page	15
•	1	correct?			
	2	А	Generally, yes. Correct.		
	3	Q	But the circumstances that led up		
	4	to him resigning	ng from the department, you weren't		
	5	involved in the	ose circumstances personally, were		
	6	you?			
	7	А	Not at all.		
	8	Q	For example, do you understand		
	9	that had someth	ing to do with a chase of a		
	10	suspect in Hawt	horne, some issues related to		
	11	police reports,	were you aware of that?		
	12	A	That I was aware of.		
	13	Q	You weren't involved in that		
	14	incident at all	as an officer, were you?		
	15	A	Not at all.		
	16	Q	So now, after Mark Van leaves,		
	17	resigns from the	Borough of North Haledon Police		
	18	Department, when	is the next time you have any		
	19	contact at all w	ith Mark Van?		
2	20	A	I don't recall.		
2	21	Q	You issued him some traffic		
2	2	summons at some	point in time. Am I correct?		
2	3	A	Yes, I did.		
2	4	Q	Do you recall approximately how		
2	5	long after he res	signed you issued the traffic		

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Rowe - Direct

				to the second second second second
				Page 16
	1	summons?	*	
	2	A A	pproximately two years maybe.	
	3	Q B	y the way, after Mark Van had	
	4	left the departme	nt, were you aware in any	
	5	fashion where Mar	k Van lived after he left the	
	6	department?		
	7	A No	o, I was not.	
	8	Q Le	et me show you what's previously	
	9	marked as Van-10 f	for identification.	
	10	MR	. FAUGNO: Thank you,	
	11	Anthony.		
	12	Q Do	you recognize that document?	
	13	A Ye	s, I do.	
	14	Q Th	at traffic summons, that was	
	15	issued to Mark Van	?	
	16	A Ye:	5.	
	17	Q Car	n you first do me a favor,	
	18	because on the seco	ond page of that there is a	
	19	bunch of handwritte	en notations. I assume that's	
	20	your handwriting?		
	21	A Yes	, it is.	
	22	Q Can	you please read that to me?	
1	23	Only because I had	trouble with it.	
	24	A So	do I, due to the photocopy.	
2	25	The first line is t	he number one with an MD, that	
				1

Page 17

- 1 signifies one male driver. I believe it was an
- 2 '85, the other is MB or '85 MB, which is the
- 3 year that I put, the model, which is Mercedes
- 4 Benz.
- 5 And I believe it's, I don't know
- 6 what the scribble is before, it could possibly be
- 7 black or blue. A lot of times when I do a slash
- 8 it means I didn't know the color exactly.
- 9 And then the next line, or to the
- 10 right of that would be the location, where the
- 11 vehicle was stopped, which is Company Number 2
- 12 parking lot.
- While checking school post unit
- 14 165 traffic, I was on Squawbrook Road observing
- 15 the vehicle traveling west at Squawbrook Road, at
- 16 a high rate of speed, radar unit 1292 in moving
- 17 mode read 58 miles per hour, directly through the
- 18 school post on Squawbrook Memorial School.
- 19 I immediately activated overhead
- 20 lights and siren. Vehicle did not complete a
- 21 stop, and according to a crossing guard, forced
- 22 north and south traveling vehicles to stop
- 23 abruptly. I believe it's once, once I got on
- 24 High Mountain Road I no longer saw the car.
- Some word I can't read, asked

Page 18 Blau if a blue Mercedes Benz convertible came 1 by. Due to the photocopy I can't read this line, 2 I had tracked and found the car in Company Number 3 2 parking lot. 4 Driver speeding to catch the fire 5 truck for mutual aid for a fire in Haledon. 6 7 Mercedes Benz had no emergency lights or markings. Bottom line is, failure to come to 8 9 complete stop on High Mountain Road. Speeding, no emergency lights. 10 Now, having read that has given 11 me the benefit of having heard that, because I 12 couldn't read it for the first time. Thank you. 13 You're welcome. 14 A When you first saw this vehicle, 15 0 if you recall, did you know who the vehicle 16 belonged to? 17 18 Α No, I did not. Ultimately you find the vehicle, 19 Q and I think you referred to a company lot. 20 Correct? 21 Correct. 22 A That's the fire department? 23 Q Correct. 24 A 25 0 When you saw the car there did

-			Page	19
1	you then ascertain	whose car it was?		
2	A Yes	5.		
3	Q Hor	w did you go about ascertaining		
4	whose car it was?			
5	A I s	saw the driver once the driver		
6	passed me, so I kne	ew who was driving the vehicle.		
7	Q Let	me understand this. When		
8	you first saw the v	ehicle speeding, you didn't		
9	know who was drivin	g the vehicle, did you?		
10	A No,	I did not.		
11	Q Whe	n is the first time you		
12	ascertained who was	driving the vehicle?		
13	A As	the vehicle passed you.		
14	Q Pas	sed you?		
15	A Yes	, on Squawbrook Road.		
16	, Q So	you knew who it was at that		
17	time when it passed	you on Squawbrook Road?		
18	A I ob	oserved Mark Van driving.		
19	Q At t	that time did you know that		
20	Mark Van was a membe	er of the volunteer fire		
21	department?			
22	A Yes,	I did.		
23	Q How	do you know he was a member		
24	of the volunteer fir	e department?		
25	A Prob	ably from being on patrol and		

seeing, you know, the officers have a meeting

Yes, I did.

him, am I correct, or the car, the vehicle?

Yes.

Yes.

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3

4

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24

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attend.

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at some point?

Α

Q

A

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A

0

vehicle was anyone in it?

But then you regained sight of

When you regained sight of the

How did you know -- I believe in

Did you go into the fire

Page 20 every Monday night, and all the volunteers go and When he passed you on Squawbrook Road, did you then lose sight of him after that

department? No. 16 A 17 Q What did you do at that point? 18 Α I called dispatch, ran the plate, asked them to get the DL of Mark Van, look up the 19 20 DL by name, which they did. They gave me his 21 information. I issued one summons and left it on 22 the vehicle.

> GLOBAL COURT REPORTING SERVICES, INC. www.globalcourtreporting.com

the back of this, if I'm I remembering correctly,

you said -- did you come to understand that he

	\$20,000 per 100 per 10				
				Page	21
	1	was going to a fi	re?		
	2	A Y	es.		
	3	Q H	ow did you come to the knowledge		
	4	that he was going	to a fire?		
	5	A T	he fire trucks were leaving as I		
	6	was pulling up to	the parking lot.		
	7	Q So	o as soon as you pulled up to		
	8	the fire departmen	nt, you saw the fire trucks		
	9	start pulling out?	?		
	10	A Co	orrect.		
	11	Q An	nd you believe that Mark Van was		
	12	on one of those fi	re trucks?		
	13	A	was led to believe that, yes.		
	14	Q Di	d you then conclude that he was		
	15	speeding because h	e had to get to that fire		
13	16	department?			
	17	A Yes	s, I did.		
•	18	Q So	why did you give him a ticket?		
	L 9	A Bec	cause he was doing 58 miles per		
2	20	hour through a scho	ool zone with children on both	s	
2	21	sides of the roadwa	ay.		
2	2	Q Don	't the officers, the volunteer		
2	3	firemen I don't	know, because I really don't		
2	4	know the laws in re	gard, but I'm just asking you		
2	5	don't they typic	ally go fast when they get a		
					1

Page 22 1 call that there's a fire, don't they have to get 2 to the department as quickly as possible? 3 Volunteer firemen have to abide by Title 39 laws, regardless if they had a blue 4 5 light, which his vehicle did not. But regardless, they have to 6 7 abide by all laws. We often give courtesies for 8 a certain percentage over -- if it was ten, 9 maybe. 10 The fact that it was a school 11 zone and children from Kindergarten through fourth grade are standing on the side of road, it 12 13 was absolutely no way. 14 But if you take notice, I did 15 issue one summons for careless driving, which was a two-point, I thought it was a courtesy I gave 16 17 him, as opposed to 58 in a 25, which is double, more than double two speed limits, which is 18 probably close to a five-point ticket. I don't 19 know the points system that well. 20 21 I don't see that failure to stop, which would have been two points. 22 I believe 23 there's another statute for responding to an 24 emergency call without an emergency light. 25 So in my eyes that was giving him

-	Page	23
1	a courtesy. It was a two-point violation and	-
2	that was the courtesy.	
3	Q Have you ever given tickets to	
4	volunteer firemen before in your career that were	
5	going to a fire?	
6	A I don't believe before.	
7	Q How about after?	
8	A Not responding to a fire.	
9	Q When I say responding to a fire,	
10	I mean they're going to the fire department?	
11	A No, I have not.	
12	Q Have you ever observed volunteer	
13	firemen driving their own personal vehicle,	
1 4	driving in excess of the speed limit when they're	
15	responding to get to the fire department?	
16	A As I said, within ten miles an	
.7	hour, yes.	
. 8	Q And you've given them a courtesy?	
9	A Correct. The courtesies were not	
0	in a school zone at the time of the fire.	
1	Q Did you ever go and talk to Mark	
2	Van that day and try to talk to him to see why he	
3	was doing what he was doing?	
4	A No, I did not.	
5	Q Just so I'm clear, when you put	